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FORM TO BE USED BY A PRISONER FILING A  
42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT  
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

I. CAPTION

Jose Luis Torres  
(Enter the full name of the plaintiff or plaintiffs)  
v.

13 3066

Allentown Police Department,  
Lehigh County Drug Task Force,  
Allentown Vice Unit (see attachment)  
(Enter the full name of the defendant or defendants)

II. PARTIES

a. Plaintiff  
Full name: Jose Luis Torres  
Prison Identification number: 32333  
Place of present confinement: Lehigh County Prison  
Address: 38 N. 4<sup>th</sup> St., Allentown, Pa 18102-3489  
Place of confinement at time of incidents or conditions alleged in complaint, including address:  
N/A

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper.

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

1. Full name including title: Detective Matt Karnish  
Place of employment and section or unit: Allentown Police Dept., 425 Hamilton St., Allentown, Pa 18101
2. Full name including title: Detective Stephen J. Milkovitz, III  
Place of employment and section or unit: Allentown Police Dept., 425 Hamilton St., Allentown, Pa 18101
3. Full name including title: Detective Kevin Mross  
Place of employment and section or unit: Allentown Police Dept., 425 Hamilton St., Allentown, Pa 18101
4. Full name including title: Detective Kyle Hough, 425 Hamilton St., Allentown, Pa 18101  
Place of employment and section or unit: Allentown Police Dept.

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.

I. Caption Continued

Jose Luis Torres

V.

Detective Matt Karnish

Detective J. Milkovitz, III

Detective Kevin Mriss

Detective Kyle Hough

Detective \_\_\_\_\_ Lake

Detective Raymond Sannie

Detective \_\_\_\_\_ Frey

Detective Mark Boyer

Detective/Officer Chad Moyer

Detective \_\_\_\_\_ Fey

Detective William Faulkner

Other Unknown Police Officers (will  
amend as soon as known through discovery)

II. Parties Continued (Section b)

5. Detective \_\_\_\_\_ Lake  
Allentown Police Dept.  
425 Hamilton St.  
Allentown, Pa 18101

6. Detective Raymond Sannie  
Allentown Police Dept.  
425 Hamilton St.  
Allentown, Pa 18101

7. Detective \_\_\_\_\_ Frey  
Allentown Police Dept.  
425 Hamilton St.  
Allentown, Pa 18101
8. Detective mark Boyer  
Allentown Police Dept.  
425 Hamilton St.  
Allentown, Pa 18101
9. Detective/Officer Chad Moyer  
Allentown, Police Dept.  
425 Hamilton St.  
Allentown, Pa 18101
10. Detective \_\_\_\_\_ Fey  
Allentown Police Dept  
425 Hamilton St.  
Allentown, Pa 18101
11. Detective William Faulkner  
Allentown Police Dept.  
425 Hamilton St.  
Allentown, Pa 18101
12. Other Unknown Police Officers  
Allentown Police Dept.  
425 Hamilton St.  
Allentown, Pa 18101

## III. PREVIOUS LAWSUITS

## Instructions:

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

Parties to your previous lawsuit:

Plaintiffs Jose Luis Torres

Defendants Allentown Police Dept/Officer Scott Derr

Issues: Excessive Force

Court: if federal, which district? Eastern District of Pennsylvania

if state, which county? \_\_\_\_\_

Docket number: unrecalled Date filed: 1995-1996

Name of presiding judge: unrecalled

Disposition: (check correct answer(s)); Date: unrecalled

Dismissed ☒ Reason? I failed to respond on time to a court notice

Judgment \_\_\_\_\_ In whose favor? \_\_\_\_\_

Pending \_\_\_\_\_ Current status? \_\_\_\_\_

Other \_\_\_\_\_ Explain \_\_\_\_\_

Appeal filed? \_\_\_\_\_ Current status? \_\_\_\_\_

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

## IV. ADMINISTRATIVE REMEDIES

## Instructions:

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

- a. Describe the administrative procedures available to resolve the issues raised in this complaint: *N/A*

Type of procedure. (grievance, disciplinary review, etc.)

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Authority for procedure. (DC-ADM, inmate handbook, etc.)

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Formal or informal procedure. \_\_\_\_\_

Who conducts the initial review? \_\_\_\_\_

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What additional review and appeals are available? \_\_\_\_\_

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- b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint: *N/A*

On what date did you request initial review? \_\_\_\_\_

What action did you ask prison authorities to take? \_\_\_\_\_

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What response did you receive to your request? \_\_\_\_\_

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What further review did you seek and on what dates did you file the requests? \_\_\_\_\_

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What responses did you receive to your requests for further review?

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- c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why. *N/A*
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V. STATEMENT OF CLAIM (Part 1)

Instructions:

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

Statement of Claim:

On June 3, 2011, the above named defendants, and others unknown at this time, participated jointly in a police surveillance operation where I was the target. At approximately 4:00 pm, as I was driving down a small alley, in the, or near, the 800 block of Hickory St., Allentown, Pa., an unidentified police officer, one of the above named defendants, wearing plain clothes, jumped out in front of the vehicle I was operating, brandishing a firearm. Not knowing who he was, and fearing for my life, and that of my passenger, I reversed, crashing accidentally into an unseen civilian minivan that had sneaked up behind me. Apparently, the vehicle behind me was being operated by one or more of the above defendants, (see attachment)

VI. RELIEF

Instruction: Briefly state exactly what you want the Court to do for you.

Relief sought:

I seek the maximum amount allowed by law in damages. I do not know what all the different types of damages are, but punitive damages, and damages for emotional distress would be some of them.

VII. DECLARATION AND SIGNATURE

I (we) declare under penalty of perjury that the foregoing is true and correct.

5-22-13

DATE

Jose L. Torres  
SIGNATURE OF PLAINTIFF(S)

V. Statement of Claim Continued (Part 2)

As I stepped out of my vehicle, still unaware of the police presence, I was immediately attacked by a great number of the defendants. I was being punched all about my face and head area, as I was thrown face down to the ground. I immediately attempted to shield the blows coming at me, by placing my arms up around my face and head. The group of attackers proceeded continuing to punch, and now kick me in the face and head. One of them said "This is for fucking with the cops," that's when I realized I was being attacked by the police, and not a group of thugs. One of the blows wounded me deeply in the left side of my head. The police continued to punch and kick me, even while I was now bleeding profusely. The blows continued to land on, and around my wound. I started to grunt in pain. One of them mocked my cries. Moments later, they stopped, and handcuffed me. As I was picked up off the ground, and led to a police car, I saw a great crowd of civilian onlookers. When I arrived at police

V. Statement of Claim Continued (Part 3)

headquarters, I immediately informed the officers there, that I had been assaulted by the arresting officers. I was taken to the hospital where I received stitches. My face was bruised. Upon returning to headquarters, I continued to complain of the assault. I was taken to a room, and my injured head/face was photographed. Some time after, Detective Kevin Mriss, accompanied by a Berks County State Trooper I know named Mike Weigsheider, approached my cell. Mr. Weigsheider asked me how I was doing. I informed him of the police assault. I was unaware at this time that Detective Kevin Mriss was present when I was assaulted. All of the above named defendants, and other unknowns, were present at the scene, of the assault, and they either participated in it, or just stood by, watched, and did nothing to stop this abuse, and crime. Reports were fabricated by Detectives/officers Milkovitz, Karnish, Moyer, and others, creating a false resistance of arrest, to cover up their crime. I never threw a single elbow, or kick, as these false reports claim. In either event, the force used outweighs what resistance they claim was put up.